
CHAPTER 4.0

FINANCIAL CONSIDERATIONS

4.1 INTRODUCTION

This section addresses the financial implications of planning, implementing, constructing, managing and maintaining a network of trails within the County of San Diego. The report outlines several key issues that deal with the cost of trail implementation, funding sources, financial methods and possible incentives for future trail dedication.

4.2 TRAIL COSTS

There are a number of items to consider when estimating trail costs, such as land acquisition; the planning and environmental issues, design, and administration of the construction effort; the construction; and finally maintenance, management, and operational aspects once the trail is constructed. Consideration of these cost items is included below.

4.2.1 Acquisition

The cost for the acquisition of private lands or negotiated easements for trails over private property varies greatly depending on the location and land use designation. Currently residential zoned property in the eastern area of the county sells for approximately \$90,000 per acre (Anderson personal communication 2001). The cost of acquiring a portion of a property, such as that needed for trails, rather than acquiring the full property would generally be about 20 percent greater due to the residual parcel being smaller and potentially less usable (Anderson personal communication 2001). This cost is dependent on the size of the original property and the amount of property needed for the trail.

Assuming an 8-foot wide trail, a corridor width between 25 to 100 feet would be necessary to accommodate the right-of-way needed for construction, maintenance, and buffer area. The cost for acquiring a one-mile segment of trail in an area zoned for residential development would be in the range of \$330,000 to \$1,300,000. If this same trail segment was located on an easement rather than an acquired property, the cost would be in the range of \$230,000 to \$910,000 per mile (Anderson personal communication 2001). This assumes the cost of the easement is approximately 70 percent of the market value of the land. Alternative methods for land acquisition are outlined in Section 4.0 of this Chapter.

4.2.2 Development

Development costs include not only construction costs, but also trail planning and design, construction administration, and environmental permitting costs. These costs vary greatly depending on the terrain, width and type of trail, vegetation, soils/subgrade, amenities provided, and (if needed) mitigation cost. For the purposes of this assessment a range of development or construction costs were provided to take these variables into consideration. Costs associated with the construction administration, engineering and environmental fees are approximately 30 percent of the overall construction cost for trails, while contingency costs are assumed to be approximately 20 percent of the construction cost (American Society of Civil Engineers). This range is illustrated in Table 4-1. Although the focus of this study is soft-surface (non-paved) hiking, biking, and equestrian trails, the cost associated with paved “pathways” that are part of a road right-of-way are also shown for comparison purposes in Table 4-1.

4.2.3 Maintenance and Management

Trail maintenance and management includes a variety of functions, such as operations, maintenance, management, liability, and enforcement.

Trail maintenance and management costs were obtained from the Cities of Encinitas, Poway, and Vista, and are shown in Table 4-2. The number of trail miles within each of these cities is also identified in order to develop an approximate annual cost.

These maintenance/management costs provide a general range that can be used for planning purposes.

4.3 FUNDING SOURCES

There are several potential funding sources for trail acquisition, construction, and maintenance. Those with the greatest trail-funding potential are generally associated with park land acquisition, access and preservation, habitat conservation and access, and recreational opportunities and access on public lands. Although there is some potential use of transportation-related funds for non-motorized-use trails, these funds are generally only available for paved-surface bicycle trails that would contribute to reducing congestion on the regional transportation network or to improving air quality.

Table 4-1: Trail Development Costs

Trail Development Costs^{1, 2}	UNIT	Construction Cost	Admin/Eng/ and Environ. Cost (30%)	Contingency Cost (20%)	Total Estimated Cost
Multi-use Trail: 8 foot tread width - moderate clearing/grading only; level to shallow slope	Mile	\$20,000	\$6,000	\$4,000	\$30,000
Multi-use Trail: 8 foot tread width - heavy clearing/grading on steep slope	Mile	\$64,000	\$19,200	\$12,800	\$96,000
Multi-use Trail: 8 foot tread width with aggregate surface	Mile	\$78,000	\$23,400	\$15,600	\$117,000
Multi-use Trail: 8 foot tread width -with signing and amenities	Mile	\$68,000	\$20,400	\$13,600	\$102,000
Multi-use Trail: 8 foot tread width -with 2 culverts, signing and amenities	Mile	\$108,000	\$32,400	\$21,600	\$162,000
Class 1 paved Bike Path on existing level/graded surface	Mile	\$200,000	\$60,000	\$40,000	\$300,000
Class 1 paved Bike Path pathway --grading and some cut and fill	Mile	\$500,000	\$150,000	\$100,000	\$750,000
Class 1 paved Bike Path – Repave/widen existing Path	Mile	\$200,000	\$60,000	\$40,000	\$300,000
Trail Amenity Costs^{1,2}	UNIT	Construction Cost	Admin/Eng/ and Environ. Cost (30%)	Contingency Cost (20%)	Total Estimated Cost
Signage – Trail Markers (4 per mile)	Mile	\$220	\$66	\$44	\$330
Fencing	Mile	\$40,000	\$12,000	\$8,000	\$60,000
Bridge (pre-fabricated, w/o land)	Mile	\$100,000 to \$200,000	\$30,000 to \$60,000	\$20,000 to \$40,000	\$150,000 to \$300,000
Rest areas	Mile	\$5,000 to \$10,000	\$1,500 to \$3,000	\$1,000 to \$2,000	\$7,500 to \$15,000
Trail Rules Sign	Mile	\$250	\$75	\$50	\$375
Miscellaneous Water Bars (where needed)	Mile	\$200	\$60	\$40	\$300
Parking/Staging Area (unpaved)	Parking Space	\$200	\$60	\$40	\$300
Parking/Staging Area (paved)	Parking Space	\$500	\$150	\$100	\$750
Kiosks/Interpretive Signage	Each	\$5,000	\$1,500	\$1,000	\$7,500
Gates/Bollards	Set	\$2,500	\$750	\$500	\$3,750

Note: Costs can vary tremendously depending on terrain, right-of-way, design, soils conditions, and environmental permitting processes. The costs shown above are based on ideal conditions not requiring the use of imported soils.

⁽¹⁾ Source: Pacific Electric Inland Empire Trail Master Plan – Rancho Cucamonga, CA: March 2001

⁽²⁾ Source: RS Means Construction Estimating Handbook, 2000

Table 4-2: Trail Maintenance/Management Costs

City	Cost per Mile*	Miles of Trail	Annual Cost
Encinitas (Natural and Paved)	\$2,617	12	\$31,401
Poway (Natural)	\$2,033	61	\$124,013
Vista (Natural and Paved)	\$2,050	15	\$30,750

*Cost does not include any overhead costs.

The information presented below describes current state and federal funding sources. This information is organized into funding sources with moderate to high potential for trail funding, and also sources with lower potential for trail funding. Potential new funding sources are described at the end of this chapter. A summary listing of potential funding sources is provided below and a summary table is provided in Appendix U.

4.3.1 Funding Sources with Moderate to High Potential

The following sources offer moderate to high potential for trail funding.

Non-Motorized Trails Grant Program

The California Park Bond Act of 2000 includes two programs, the “Non-Motorized Trails Grant” program and the “Per Capita I” program that are applicable to recreational hiking, biking, and equestrian trail projects. The Non-Motorized Trails Grant Program provides for the development, improvement, rehabilitation, restoration, enhancement, and interpretation of non-motorized trails for the purpose of increasing public access to, and enjoyment of, public areas for increased recreational opportunities. Of the \$10 million budgeted for the program, \$1.74 million was allocated on a competitive-application basis state-wide.

The following criteria are important in the selection of candidate projects:

- \$ Available resources
- \$ Experienced project management
- \$ High user demand
- \$ Opportunities for trail experience enhancement
- \$ Community support
- \$ Accessibility
- \$ Presence of limiting barriers
- \$ Parking convenience
- \$ Public Transit Accessibility

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- \$ Linkages to other trails, parks, scenic corridors, and recreational areas
 - \$ Cooperative agreements with service groups for construction and maintenance

This program is administered by the California Department of Parks and Recreation. The application deadline is October 1, 2001 for inclusion in the \$1.74 million funding allocation.

Recreational Trails Program

The Recreational Trails Program (RTP) provides funding for recreational trails and trail-related projects. Under RTP guidelines, permissible uses for program funds include:

- \$ Development and rehabilitation of trailside and trailhead facilities and linkages
- \$ Acquisition of easements and fee simple title to property for recreational trails
- \$ Construction of new recreational trails
- \$ Purchase and lease of recreational trail construction and maintenance equipment*
- \$ Maintenance and restoration of existing recreational trails *
- \$ Educational programs to promote trail safety and environmental protection *

* (Not permissible for non-motorized use trail projects)

\$2.2 million was available statewide for non-motorized trail projects. The program is administered by the State Parks Department, with a deadline of October 1, 2001 for project funding applications. The RTP provides up to 80 percent of project costs.

Tobacco Settlement Trust Fund

The attorney generals of eight states (including California) and the nation's four major tobacco companies agreed to settle numerous lawsuits brought by states against the tobacco industry. As a result of this agreement the County of San Diego will receive approximately \$945 million distributed over twenty-five years. In 1999, the County Board of Supervisors (Board) directed that a trust fund be established to receive Tobacco Settlement revenues (see Appendix V). A portion of the Tobacco Settlement Trust Fund will be reserved annually in an interest-bearing account to ensure funding will be available beyond the established twenty-five years of the settlement.

The Board also developed a healthcare-based policy to guide the allocation of the revenues in a manner deemed appropriate by the Board. The healthcare-based policy identified a number of guidelines including the following that may be relevant to trail projects:

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- Develop programs that address prevention and health promotion activities that encourage a tobacco-free lifestyle.
 - Increase funding for programs that promote healthy lifestyles through prevention and education
 - Increase funding for programs that improve mental health services
 - Support programs that leverage funding from other sources

The County's Health and Human Services Agency administers this program. Programs and services are required to demonstrate effectiveness through evaluation of outcomes, and programs shall incorporate "best practices" that have been proven to be cost-effective and efficient. Innovative programs may be funded, providing there are plans for evaluation of outcomes.

Per Capita I Program

The Per Capita I program, established under the California Park Bond Act of 2000, provides \$338 million for acquisition, development, improvement, restoration, enhancement, and interpretation of local park and recreation lands and facilities. Guidelines for this program are still being developed, but in general, projects should achieve some or all of the following goals:

- \$ Rehabilitate facilities at existing local parks
- \$ Develop youth-serving recreational facilities
- \$ Promote family-oriented recreation
- \$ Provide for open, safe, and accessible local park lands

The deadline for submittal of project applications is June 30, 2003. Individual project applications may be submitted at any time within an 8-year deadline following fund appropriation, but must be completed by June 30, 2008.

Land and Water Conservation Fund

The Land and Water Conservation Fund provides funding for recreational development. The program, established in 1965, is administered by the State Parks Department and the National Park Service. The following projects are eligible for funding under this program:

- \$ Outdoor recreation areas and facilities
- \$ Camping facilities
- \$ Hiking and bicycling trails
- \$ Picnic facilities
- \$ Natural area preservation

\$ Acquisition of wetlands

Local jurisdictions including cities, counties, and districts are eligible to apply for funding to acquire, develop, operate, and maintain park and recreation areas under this program. A 50 percent local funds match is required. Funding availability changes annually for Southern California. The application deadline is generally May 1, 2001. Property acquired or developed under this program must be retained in perpetuity for public outdoor recreational use.

Surplus Real Estate Program

The Federal Surplus Real Estate Program, administered by the General Services Administration (GSA), may be used to acquire surplus federal real property for recreational (and other) purposes including recreational trails, bikeways, and walkways. Through the GSA's Federal Lands to Parks Program, the National Park Service has deeded more than 144,000 acres to state and local governments for public recreation use including scenic trails.

This legislation authorizes the states to receive applications from interested public agencies and other eligible institutions for the acquisition of federal surplus real property. This property, whether for recreational or other use, must be fairly and equitably distributed within the state based on the relative needs and resources of the interested agencies and institutions.

One program benefiting from this legislation is the Land and Water Conservation Fund (LWCF). The LWCF funds a matching grant program to the States for acquisition and development of recreation areas and facilities. Authorized financing sources of the LWCF include the sale of government surplus real property. Since its inception in 1965, about \$3 billion has gone to the States to help fund almost 35,000 projects (however, over 80 percent of this is from oil and gas leasing revenues).

Habitat Conservation Fund

The Habitat Conservation Fund (Wildlife Protection Act of 1990) provides funding for trails in both natural areas and urban areas. The following project categories are eligible under the program:

- \$ Wetland habitat acquisition, enhancement, or restoration
- \$ Riparian habitat acquisition, enhancement, or restoration
- \$ Salmon and Trout habitat acquisition, enhancement, or restoration
- \$ Trail Programs and urban access – acquisition of land or restoration of wildlife corridors and urban trails, and interpretive programs.

Funding is limited to \$2,000,000 per year (\$500,000 per project category), and a 50 percent match from non-state funds is required. The program is administered by the State Parks Department with an October 1, 2001 deadline for funding applications.

Riparian and Riverine Habitats Grant Program

The Riparian and Riverine Habitats Grant Program includes a provision for funding of trail projects in close proximity to rivers and streams. Cities, counties, and districts are eligible applicants in accordance with Sections 7048 and 78682 of the California Water Code. Approximately \$10 million is available statewide for this competitive-application program that is administered by the State Park Department.

Environmental Enhancement and Mitigation Program

The Environmental Enhancement and Mitigation Program (EEMP) provides funding to mitigate the impact of modified or new public transportation facilities. Roadside recreation facilities including trails are eligible under the program, but must be included in the State Transportation Improvement Program (STIP). The EEMP provides funding grants in three project categories:

- \$ Highway landscape and urban forestry
- \$ Resource lands
- \$ Roadside recreational facilities

The California Resources Agency administers the program, which requires California Transportation Commission (CTC) approval of projects. \$10 million is available statewide, with applications due on November 1, 2001 for the annual funding cycle.

ISTEA National Recreational Trails Fund Act

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) created opportunities for certain categories of funds to be transferred between highway, transit and trail projects according to state, regional, and local discretion and priorities. This flexibility was enhanced further through TEA-21 (Transportation Equity Act of the 21st Century).

The ISTEA National Recreational Trails Fund Act (NRTFA) program provides funding for the development and maintenance of recreational trails to benefit bicycles, pedestrians, and other non-motorized users. The project must be included in the Statewide Comprehensive Outdoor Recreation Plan (SCORP), and a 30 percent state match is required for non-motorized trails. Eligible project categories are the following:

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- \$ Maintenance and restoration
 - \$ Development and rehabilitation of trailside and trailhead facilities and linkages
 - \$ Purchase and lease of recreational trail construction and maintenance equipment
 - \$ Construction of new recreational trails
 - \$ Acquisition of easements or property for recreational trails and trail corridors
 - \$ State administrative costs
 - \$ Operation of recreational trail educational programs

Consideration should be given to projects that provide for the redesign, reconstruction, non-routine maintenance, or relocation of recreational trails to benefit the natural environment. The program is administered through the California Department of Parks and Recreation Local Services section.

Urban Corps of San Diego

The Urban Corps of San Diego is an organization that provides young adults the opportunity for development through job training, education, and community service while protecting the natural resources and the local environment. The Urban Corps of San Diego provides job training to over 300 young adults annually. The Urban Corps of San Diego contracts with local government, non-profit organizations, businesses and corporations to provide temporary employment and job training for corps members.

The Urban Corps of San Diego has developed a program called the “Public Service Conservation Works Program” that protects, preserves and enhances San Diego’s natural habitat. This program includes projects such as trail building and maintenance, erosion control, brush management, firebreak construction, light construction, tree planting, revegetation, irrigation installation, and public landscaping.

The Urban Corps of San Diego is a potential source of labor to construct and maintain county trails. It’s important to note that this is an educational work program and not a volunteer program.

California Conservation Corps

The California Conservation Corps (CCC) is a state agency that provides young adults the opportunity for development through job training, education, and community service while protecting and enhancing the state's natural resources.

CCC members work on a variety of projects such as trail maintenance and construction, park renovations, tree felling, brush clearance, and a variety of typical project sponsors include city, county, state and federal agencies, as well as nonprofit agencies. CCC projects must meet three basic criteria:

- \$ Have environmental or resource benefits
- \$ Provide public benefit and/or public use
- \$ Give corps members an opportunity for on-the-job training in a variety of basic skills.

The CCC has a Southern California Service District. Caltrans, local cities and the Old Town State Park currently utilize CCC services.

The CCC is a potential source of labor to construct and maintain county trails. It's important to note that this is an educational work program and not a volunteer program.

4.3.2 Funding Sources with Lower Potential

The following sources offer lower potential for trail funding than those described above. These funds are generally only available for paved-surface bicycle trails that would contribute to reducing congestion on the regional transportation network or to improving air quality. However, there may be an opportunity to use these funds for pathways or trail projects that involve the following:

- \$ Local roadway and/or highway crossings
- \$ Routes that parallel a roadway or highway
- \$ Routes that connect to a local or regional transportation network

ISTEA Scenic Byways Program Section 1047

The Scenic Byways Program (NSB) provides funding for bicycle and pedestrian access and safety improvements along highways. A 20 percent local or state match is required. Grant decisions are based on the following priorities:

- \$ Projects on designated All-American Road (AAR) or National Scenic Byways
- \$ Projects that would qualify routes for eligibility as an AAR or NSB
- \$ Projects associated with developing state Scenic Byways Programs

The Scenic Byways Program is administered though the FHWA California Division.

ISTEA Surface Transportation Program (STP) Section 1007

ISTEA's Surface Transportation Program (STP) provides flexible funding that may be used by states and local agencies for projects on or along any federal-aid highway, including the National Highway System (NHS) and bridge projects on any public road. STP funds are restricted for use with capital projects and cannot be used for operations assistance. STP funds are allocated to the state and then reallocated to each region of the state based (in part) on the region's proportionate share of the state's population.

The STP funding program includes a provision for the preservation of abandoned railway corridors. These corridors have been successfully transformed into trails in many states through "rails to trails" programs. A 20 percent non-federal match is required. Local agencies are responsible for submitting grant applications for projects under this program.

Bicycle Transportation Account

The State Bicycle Transportation Account (BTA) program provides funds to City and County projects that improve safety and convenience for bicycle commuters. Caltrans is responsible for determining which projects receive BTA funding. Caltrans can allocate funding to cities and counties with approved bicycle plans.

Transportation Development Act, Local Transportation Fund

The California Transportation Development Act (TDA) provides for a quarter-cent portion of the state retail sales tax to be apportioned back to each county of origin for use in fulfilling public transit capital and operating needs, which are reasonable to meet. If there are unmet transit needs requiring funding, the money must be spent meeting those needs. If there are no unmet needs, the money may be used for other transportation needs. SANDAG is responsible for determining which projects receive the region's share of the Local Transportation Fund (LTF). SANDAG can allocate the funding to the County and other local jurisdictions.

Petroleum Violation Escrow Account

The Petroleum Violation Escrow Account provides funding for restoration projects that reduce dependence on petroleum products. Bicycle projects such as bicycle path reconstruction and bike lane resurfacing and restriping are eligible for funding. The California Energy Commission administers the program.

Shoreline Access Grants Program

The Shoreline Access Grants Program includes funding for recreational trails in coastal areas. The program, administered by the State Coastal Conservancy, improves public access to the coast and bay shores by acquiring land and easements and by building trails and stairways. The State Coastal Conservancy accepts donations and dedications of land and easements for public access, agriculture, open space, and habitat protection, though funding has been primarily by state general obligation bonds and from the state general fund.

The Conservancy recently allocated \$2,650,000 to the City of San Diego to acquire several parcels within the Otay River Valley for habitat protection, open space, and public access. The Carmel Mountain-Torrey Surf Enhancement Plan was also recently approved, authorizing a grant of \$4,200,000 to the City of San Diego to acquire the Torrey Surf Property for habitat protection, open space, and public access. In 2001, the Conservancy allocated \$452,000 in additional funds to the Southwest Wetlands Interpretive Association for preparation of final engineering and design plans for the Goat Canyon Enhancement Project in San Diego County.

Safe Routes to Schools

The Safe Routes to Schools program provides funding for pedestrian transportation projects such as sidewalk improvements, pathways, pedestrian/bicycle crossing improvements, and bicycle and/or pedestrian trails (off-street). Caltrans makes grants available to local government agencies based on a competitive-selection process that requires submission of proposals for funding. Project selection is based on the following criteria:

- \$ Demonstrated need of the applicant
- \$ Potential of the project for reducing child injuries
- \$ Potential of the project for encouraging increased walking and bicycling
- \$ Identification of safety hazards
- \$ Identification of current and potential walking and bicycling routes to school

Caltrans and the California Highway Patrol approve projects that meet the above criteria. The current funding deadline is May 22, 2001. The maximum funding for a single project is \$500,000 and the federal reimbursement ratio is 90 percent.

State Gas Tax Subvention

This program provides funding for bicycle capital improvements, operations, maintenance, and education. The program is administered through the State Board of Equalization.

State Passenger Rail Bonds

The State Passenger Rail Bonds (Proposition 116) program is available for bicycle capital improvement projects. These projects must be listed in the STP before an appropriation can be made.

State Transportation Enhancement Program

The State Transportation Enhancement Program (STEP) provides funding for bicycle capital improvements. The State covers 88 percent of project costs from a statewide budget of \$10 million. There are currently no deadlines for proposal submittal until the next round of the funding cycle is initiated by Caltrans.

FHWA Urbanized Area Formula Program.

This program provides funding to urbanized areas with populations of over 50,000 to be used for locally determined capital projects and transportation related planning. Funding for operations assistance is no longer available to the greater San Diego region under this program, as operating assistance is restricted to urbanized areas of under 200,000 populations.

Funds are apportioned to the County of San Diego by a formula based on population and transit operating statistics. SANDAG is responsible for estimating Urbanized Area funds and submitting a grant application for projects. The project list is developed in cooperation with the County and other local jurisdictions.

FHWA Capital Program

Allocations are distributed at the discretion of the U.S. Secretary of Transportation, based on various guidelines and earmarks made by congress. SANDAG is responsible for submitting grant applications for projects under this program. The project list is developed in cooperation with the County and other local jurisdictions.

ISTEA Bridge Repair and Replacement Program

The ISTEA Bridge Repair and Replacement Program provides funding for bikeways and pedestrian facilities when they exist or will exist on either side of a bridge and where safety permits. Caltrans prioritizes projects by lowest FHWA deficiency rating and two may be replaced or rehabilitated each year. The program is administered by Caltrans Division of

Structures, Local Assistance and Programming Branch. The maximum federal share is 88.5 percent

ISTEA Congestion Mitigation and Air Quality (CMAQ) Program

The purpose of the CMAQ program is to fund transportation projects or programs that will contribute to attainment or maintenance of the National Ambient Air Quality Standards (NAAQS) for ozone (O₃) and carbon monoxide (CO). The program was created under ISTEA and reauthorized under TEA-21. CMAQ funds can be used for capital costs and operating assistance under the following guidelines:

Operating assistance is limited to new transit services and new or expanded transportation demand management strategies. Operating assistance includes all costs related to ongoing provisions of new transportation services including, but not limited to, labor, administrative costs and maintenance. When using CMAQ funds for operating assistance, local share requirements still apply. Operating assistance under the CMAQ program is generally limited to three years.

SANDAG has the discretion with respect to the level of local match for CMAQ funds, if any, beyond the minimum federal requirements. For example, SANDAG may decide that a particular project requires a 50 percent local match contribution rather than the usual 20 percent.

ISTEA Innovative Surface Transportation Financing Methods

ISTEA Innovative Surface Transportation Financing Methods emphasize financial innovation as a means of leveraging federal funds in private sector financial markets in a way that seeks to expand total transportation infrastructure funding. The Department of Transportation (DOT) administers this program with a goal of leveraging up to \$1.2 billion annually beginning in FY1998 and rising over time to an annual total of \$2.0 billion by FY2003. Bicycle Capital Improvements are included as an eligible funding category. The maximum federal share is 88.53 percent.

ISTEA National Highway System

National Highway System (NHS) Section 1006 funds may be used for construction of bicycle transportation facilities and pedestrian walkways on land adjacent to any highway on the National Highway System (other than the Interstate System). The maximum federal funding share is 80 percent. The project must be included in SANDAG's Long Range Transportation Plan, and the STP.

ISTEA Public Lands Highways Fund

The Public Lands Highways Fund provides funding for the construction of bicycle and/or pedestrian facilities in conjunction with roads, highways, and parkways. The federal share for projects under this program is 100 percent (no local match is required). Caltrans administers the program in California and must be the applicant for funds to the FHWA, but the project could be managed by the initiating public agency. Because these funds are for transportation related projects County trail projects would need to be included as part of a package with roads, highways, and/or parkways. This could be done as a partnering arrangement with Caltrans and/or other public agencies.

ISTEA: Regional Surface Transportation Program (RSTP)

The Regional Surface Transportation Program includes a provision for funding of bicycle capital improvements, facilities, maintenance, and education. \$22.6 million in federal funds is available for the San Diego Region, providing 88.53 percent of the funding for these projects through Block Grants. The program is administered by Caltrans, SANDAG, and the County, and has a six-year authorization period.

ISTEA Surface Transportation Program

ISTEA Surface Transportation Program (STP) funds may be used for either construction of bicycle and pedestrian facilities or for non-construction projects such as brochures, public service announcements, and route maps. As with all the ISTEA funds, these projects should be principally for transportation rather than recreation. The federal funding share is 80 percent and the local share is 20 percent. The project must be included in SANDAG's Long Range Transportation Plan and the STP. The STP funding program targets 10 types of projects:

- \$ Provision of facilities for pedestrians and bicycles
- \$ Acquisition of scenic easements and scenic or historic sites
- \$ Scenic or historic highway programs
- \$ Landscaping and other scenic beautification
- \$ Historic preservation
- \$ Rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals)
- \$ Preservation of abandoned railway corridors (including the conversion and use of these corridors for pedestrian or bike trails)
- \$ Control and removal of outdoor advertising
- \$ Archaeological planning and research

\$ Mitigation of water pollution due to highway runoff

Caltrans and the FHWA administer the program in California. The FHWA approves funding applications for the current fiscal year plus three years in advance. \$2.5 billion is available statewide for all STP programs.

ISTEA Transportation Infrastructure Finance and Innovation

The Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA) assists in funding transportation investments with regional and national benefits. The TIFIA credit program is designed to fill market gaps and leverage substantial private co-investment by providing supplemental and subordinate capital. The program is designed to provide secured loans, loan guarantees, and standby lines of credit for transportation projects. A total of \$530 million of contract authority is provided to pay the "subsidy cost" of supporting federal credit under TIFIA.

Any type of project that is eligible for federal assistance through surface transportation programs under Title 23 or Chapter 53 of Title 49 U.S.C. (highway projects and transit capital projects) is eligible for the TIFIA credit program. The project must cost at least \$100M million or 50 percent of the State's annual apportionment of federal-aid funds, whichever is less.

Due to the high funding threshold, bicycle, pedestrian, and recreational trail projects would need to be included as part of a larger package with transit, highway, or other transportation projects. This could be done as a partnering arrangement with Caltrans and/or other public agencies. The project also must be supported in whole or in part from user charges or other non-federal dedicated funding sources and be included in the State's Transportation Plan. Qualified projects meeting the initial threshold eligibility criteria will be selected based on the extent to which they generate economic benefits, leverage private capital, promote innovative technologies, and meet other program objectives.

National Highway Safety Act, Traffic Safe Cities

The National Highway Safety Act (Section 402) - (Title II, Section 2002) Traffic Safe Cities – State and Community Traffic Safety Programs provides funding for the identification and alleviation of traffic safety problems. The program includes traffic records systems and accident studies to determine what improvements are needed. Bicycle projects which include development and implementation of programs to increase awareness and safety, qualify under this program which is administered by the California Office of Traffic Safety.

TransNet Sales Tax

TransNet is the local half-cent sales tax transportation-funding program that was approved by San Diego voters in 1987 (Proposition A). This program provides sales tax funding for local transportation projects through fiscal year 2008. Bicycle programs may be eligible under this program if they can demonstrate transportation or air-quality benefits.

After an annual \$1 million set-aside for bicycle projects, TransNet sales tax revenue is divided equally for public transit, highway, and local street/road projects. The major TransNet transit and highway projects were specified in the original ballot measure. TransNet funds can be used for capital and operating assistance.

SANDAG, Caltrans, and the County develop the schedule and funding of the major TransNet projects cooperatively. The TransNet sales tax is scheduled to end in fiscal year 2008. The current 2001 amount is fully allocated, but will be available in future years. TransNet is the primary local funding source for capital projects in the area. Members of the state legislature are currently working on a ballot measure that would provide for the extension of all local-option transportation sales tax measures. This action would require a simple majority voter approval.

4.3.3 Potential New Funding Sources For Trails

In addition to those sources listed above, there are some additional methods that could be considered as possible funding sources for trail projects, as described below. The information is grouped into two categories with the first category being those methods with moderate to high potential for use with trail projects. The second group identifies those projects that have lower potential for trail funding.

Potential New Funding Sources with the Moderate to High Potential

The following sources offer moderate to high potential for funding trail projects:

County of San Diego General Fund

The County's general fund covers day-to-day operations from salaries to office supplies. It may be possible to use a small portion of these funds for trail management and operations assistance.

Use Fees

The County Parks and Recreation Department currently operates and maintains more than 30,000 acres of parkland and 78 facilities throughout the county. There are a number of fees charged for various uses of these parks, as outlined in Table 4-3 below:

Table 4-3
Current County Park Use Fees

Use/Description	Current Fee
Day use parking	\$2.00 per vehicle
Camping, tent only	\$10.00 to \$14.00
Utility hookup	\$12.00 to \$18.00
Pet fees, overnight camping	\$1.00
Horse fees, overnight camping	\$2.00

The California State Parks Department also charges use fees as identified in Table 4-4 below:

Table 4-4
Current State Park Use Fees

Use/Description	Current Fee
Day use parking	\$2.00 to \$3.00 per vehicle
Trail, hike and bike	\$1.00 per person
Camping, tent only	\$8.00 to \$12.00
Utility hookup	\$6.00
Horse fees (\$2.00 per additional horse for more than 2)	\$12.00

As with the use of County parks, a nominal fee could be charged for trail use and/or parking at trailheads. The key issues to collecting use fees are collection and enforcement of the paid fee system. Fees would be collected via the honor system, which could include a central electronic fare box or a simple pay station. The electronic fare box allows users to insert money and receive a ticket with a printed date and time. The ticket is then placed on the dashboard of the vehicle. This system works well for collecting parking fees, but it does not account for individual trail users and those who may walk or bike to the trailhead. The Counties of Orange and Los Angeles use this type of collection system at beach parking areas.

Another system of use fee collection is the simple pay station, which allows users to deposit money in a secured box. The system is also primarily used for parking fee collection, but it can be adapted to include individual trail users and those who walk or bike to the trailhead. Since enforcement of the paid fee system may be difficult the fee in some cases actually becomes more of a suggested donation. Collection and enforcement should be considered prior to implementing such a system.

Other municipalities that were contacted do not currently have a user fee specifically identified for trails. This included the cities of Encinitas, Oceanside, Poway, San Diego, San Marcos, Santee, and Vista.

Park Land Dedication Ordinance (PLDO) Fund

PLDO funds are used for parks and open space. The current policy allows these funds to be used for the acquisition of riding and hiking trails. This funding process could also be used for on-going maintenance (if in CSA), improvements, and operations of a trail system. Historically, CSAs and LPPAs advise DPR on how they want to spend PLDO funds on their local parks. However, it should be noted that the current PLDO funds has been inadequate to even address the regional and local park requirements. If the PLDO funds were used for a Countywide trails system it would place an additional burden on these funds. The County could increase the PLDO funding as part of the development process to provide adequate financial resources for the trail system and the public could vote to raise taxes on the CSAs.

Park Land Dedication Credit

A park land dedication credit could be used for trails similar to that already provided by parks. The credit would be in the form of dedicated land in lieu of fees or a combination of both. This would apply to all projects that would be processed in the County. The current ordinance excludes riding and hiking trails. An amendment to include the riding and hiking trails could be made to the current ordinance. The ordinance could also be amended to specifically provide park land dedication credit for dedication of riding and hiking trails to public use.

The County's PLDO requires that as a condition of approval of any development the applicant shall dedicate land, pay fees in lieu thereof, or do a combination of both for neighborhood park and recreation purposes to serve future residents of the development (County Code of Regulatory Ordinances, Section 810.101). The PLDO also allows up to a 50 percent credit of the required land dedication or fee payments where private area for park and recreational purposes is provided in a development if such area is for active recreational use and is to be privately owned and maintained by the future owner. The ordinance does not currently include riding and hiking trails as recreational uses and it actually identifies these uses specifically as not included in the PLDO credits.

PLDO credits could be used for the dedication of trails and possibly for dedication of easements. The County should consider amending the current PLDO to allow developers to receive credits for the dedication of trails and or easements. If trails were included as a PLDO credit, there

would be a corresponding reduction in the developer requirements for other land or fees currently going toward park-type facilities. As such, overall PLDO fees may need to be raised to avoid funding shortfalls from traditional park and recreational facilities.

County Service Area (CSA)

County Service Areas (CSAs) are special districts established at the request of property owners residing in a specific area with a common need. Property owners pay for all costs associated with the CSA. The cost to the individual property owner is determined by the benefit the property receives as a result of the improvement or maintenance. Funds collected in this way are used to pay for the service or facility. CSAs typically provide parks, fire, paramedic, lighting, sewer and emergency communication services. CSAs may provide any governmental service that the County is authorized to perform (County of San Diego Department of Public Works, Special Districts Section, 2001).

CSAs are formed as a special district that levies a fee on all property owners residing within the district. There are a number of guidelines to follow in order to set up a CSA. An “Expression of Interest” must be signed by 60 percent of the owners of those properties that would benefit from the service and which would be included within the boundary of the district. The County has to complete a formation application and submit it to the Local Agency Formation Commission (LAFCO). This application includes the preparation of maps and an environmental review. The process of forming the CSA can take between 18 to 24 months to complete. The special district requires a two-thirds majority voter approval from the property owners within the proposed special district (Proposition 218).

In the case of trails, the CSA could possibly fund the acquisition, construction, maintenance, and management of a network of community trails. This potential opportunity should be explored further for communities desiring a large network of local trails.

Developer Fees and Benefit Assessment Districts

This type of program has been used throughout the country to generate funds for various projects. A developer fee program would impose a fee on development to pay for public facilities and services generated by development. A developer fee is generally applied on a cost-per-square-foot basis. In order to implement a developer fee program, a public agency would have to prove that a connection exists which would relate the fee to the facilities it would fund.

These funds could only be used for capital purposes. A developer fee program would only require regional authorization for implementation. A benefit assessment district would require

special state legislature to implement. In addition, a benefit assessment district would probably be subject to litigation and would likely have high administrative costs.

“Adopt a Trail” Program

“Adopt a Highway” programs have been in place in Southern California for many years and the concept has been expanded in various locations to include an “Adopt a Beach” program. This same concept could be expanded to include an “Adopt a Trail” program.

The purpose of the program is to provide maintenance and janitorial services for a specific area. Private companies, such as Sea World, contract with a management company to adopt an area, such as a local highway or beach. In return the company gets advertising on an approved sign that is displayed along the roadway. In the case of “Adopt a Beach” the advertising can be placed on trash barrels, entryway signs and/or other approved areas. The incentive for private companies to be involved in this type of program is the advertising opportunity. Companies of all sizes participate in the current program. Most companies allocate this expense to their marketing budget.

There are a number of management companies that contract the maintenance and janitorial services for the Adopt a Highway/Beach program. Two well known companies in this business were contacted as part of this study to assess their interest in developing an “Adopt a Trail” program (Decker and Nelson personal communication, n.d.). Their response was very favorable. These companies are required to have insurance coverage appropriate for the task and they employ a full time staff to handle a number of contracts simultaneously.

The “Adopt a Trail” program could be used to provide ongoing maintenance for trail areas. Recreational equipment companies would likely be interested in participating as well as other private companies.

Corporate Funding

Large corporations, such as Hewlett Packard, Turner, and Qualcomm typically provide charitable contributions to worthwhile causes that most often include non-profit organizations and/or charitable trusts. These companies generally have a set of objectives that help them identify worthwhile causes and priorities. These causes and priorities typically involve need; environmental issues, such as protective of coastal lands; supporting efforts that create an understanding of the balance between wildlife and habitat protection; and long-term economic stability. Other priorities include supporting educational opportunities, which may include

nature conservancies and associated interpretive centers. A grant application must be submitted to the individual corporations in order to be considered for these funds.

This potential funding source should be considered for trail acquisition, implementation, construction, maintenance and operations.

Excise Taxes on Recreational Equipment

The concept of imposing excise taxes on recreational equipment and supplies for the purpose of funding trails is one that has already proved successful for the Recreational Trail Program (RTP). The RTP provides funding for the development and maintenance of non-motorized recreational trails through the transfer of federal gas excise taxes paid on fuel used in off-highway vehicles. Other similar programs that have been successful include the Federal Aid in Sport Fish Restoration Program, which along with the sales of fishing licenses accounts for 83 percent of the funding for state fishery programs through a 10 percent excise tax imposed on fishing equipment. A similar program for wildlife restoration, administered by the USFWS, uses excise tax dollars from the sales of hunting and recreational equipment and supplies to fund wildlife restoration, research, education, and other conservation activities.

There is also an effort underway to pass legislation which would fund wildlife conservation and recreational-oriented activities through the imposition of excise taxes on such products as hiking boots, tents, canoes, binoculars, spotting scopes, birdseed, recreational vehicles, mountain bikes, and wildlife guide books. Revenues raised through an excise tax on these products would be used to fund facilities and activities enjoyed by birders, hikers, mountain bikers, and others who enjoy outdoor recreational and wildlife-oriented activities. A similar program for County trails could be funded through such a dedicated user fee in the form of a surcharge placed on the sale of recreational equipment and supplies such as hiking boots, mountain bikes, and trail guidebooks.

Potential New Funding Sources for Trails with the Low Potential

The following sources offer lower potential for funding trail projects than those identified above. Many of these funds are transportation related and involve some form of fuel tax. If adopted, these sources would likely only be available for paved-surface bicycle trails or possibly for pathways that would contribute to reducing congestion on the regional transportation network or to improving air quality.

They are offered here as possible funding sources, but it is unlikely that they could be used for trail projects.

Increased Sales Tax on Gasoline and Diesel Fuel

Under this program, the current sales tax on gasoline and diesel would increase by as much as 100 percent. In 1992, this program was put before the voters as Assembly Bill 3800 and was defeated. Implementing such a tax would require state legislation. Additionally, there are a number of competing interests for these funds, which are mainly transportation related.

Increased Regional Gasoline Tax

This program would increase gasoline taxes in San Diego County. Since the tax would only be applied to San Diego County, this program would give regional policy makers more flexibility for setting the tax rate. Because the tax would be based on gasoline consumption, the tax would not increase with inflation, but could actually decrease if vehicles become more fuel-efficient. A two-thirds affirmative vote would be required at the local level to implement this program. Additionally, there are a number of competing interests for these funds, which are mainly transportation related.

Regional Jet Fuel Tax

This program would impose a usage tax on jet fuel, which is currently exempt from such taxes. This program would be similar to programs implemented in Boston and Chicago. Implementing such a tax would require state legislation. There are a number of competing interests for these funds, which are mainly transportation related.

Airport Facilities Charge

This program would impose a fee for passengers boarding commercial airplanes at San Diego County Airports. The charge would be limited by the Federal Aviation Authority (FAA) to \$3.00 per passenger. The program would require the approval of the FAA and a number of other local agencies.

Increased Vehicle Registration Fees

This program would increase the current fees charged to register a vehicle in San Diego County and would require state authorization. Under the current program, the County's income from motor vehicle registration fees is projected to increase four percent in the 2001 fiscal year. There are a number of competing interests for these funds, which are mainly transportation related.

Comparison of Funding Sources to other Counties and Municipalities

Representatives of Orange, Riverside, and San Bernardino Counties were contacted to identify sources of funding that they have used or plan to use for their trail projects. Their response indicates that a variety of state and federal sources are used, or are planned to be used, and that matching funds come from the County General Fund and/or a conservancy. The following identifies funding sources for the three counties mentioned:

Orange County, CA

Orange County has been successful in obtaining funding from a number of sources including:

- \$ Conditional Developer Funding (dedicated easements)
- \$ Environmental Enhancement and Mitigation Grants
- \$ Bicycle Transportation Account Grants
- \$ TEA-21 Grants
- \$ Natural Resources Trails Funding Act
- \$ Federal Land and Water Conservation Fund
- \$ Habitat and Conservation Fund
- \$ Harbors, Beaches and Parks Budget

Orange County uses funds from the local Harbors, Beaches and Parks Allotment to provide matching funds.

Riverside County, CA

Funding for trails in Riverside County has been limited to only a few sources, which include:

- \$ Conditional Developer Funding (dedicated easements and title transfers of right-of-way)
- \$ National Park Service Grants

Riverside County uses the County General Fund to provide matching funds.

San Bernardino County, CA

Funding for trails in San Bernardino County has also been limited to only a few sources, which include:

- \$ State Recreational Trails Grants

\$ Transportation Efficiency Act (TEA-21) Grants

The County plans to apply for funding from the following sources:

\$ Environmental Enhancement and Mitigation (EEM) Grants

\$ Riparian and Riverine Habitats Grants

\$ Safe Routes to Schools Grants

San Bernardino County uses the County General Fund and Wildlife Conservancy Grants to provide matching funds.

Because of the nature of development and population density in Orange County versus Riverside and San Bernardino Counties, Orange County has been more aggressive in identifying funding sources and applying for trail project funds. In the future, Riverside and San Bernardino Counties will become more aggressive in identifying funding sources for future trail projects. It's likely that these agencies will consider all potential funding sources and that the County of San Diego will be competing with these counties and other municipalities for use of state, federal and conservancy funds.

As with the use of County parks, a nominal fee could be charged for trail use and/or parking at trailheads. The key issues to collecting use fees are collection and enforcement of the paid fee system. Fees would be collected via the honor system, which could include a central electronic farebox or a simple pay station. The electronic farebox allows users to insert money and receive a ticket with a printed date and time. The ticket is then placed on the dashboard of the vehicle. This system works well for collecting parking fees, but it does not account for individual trail users and those who may walk or bike to the trailhead. The Counties of Orange and Los Angeles use this type of collection system at beach parking areas.

Another system of use fee collection is the simple pay station, which allows users to deposit money in a secured box. The system is also primarily used for parking fee collection, but it can be adapted to include individual trail users and those who walk or bike to the trailhead. Since enforcement of the paid fee system may be difficult, the fee in some cases actually becomes more of a suggested donation. Collection and enforcement should be considered prior to implementing such a system.

4.4 TRAIL DEDICATION AND INCENTIVE OPTIONS

Incentives to encourage voluntary easements and dedication on private land could be provided in a number of methods and include:

4.4.1 Remainder Interest (Land Trust)

A remainder interest is a form of land trust where dedication of a remainder interest transfers full or partial interest in a property to an appropriate grantee, such as the County, after the death of the landowner and of any subsequent titleholders whom the landowner names in the will. The right to use property that is transferred by will can be split between different people, based on the passage of time. The landowner can be given ownership of, or the right to use the property, while another person or group can be given the right to use the property at some future date. A landowner having the current use is said to have a present interest. Remainder interests are the interests that follow the expiration of the present interests. The benefit of this is that the landowner retains full use (except uses that degrade natural resource values) and all rights to the property during their lifetime or during the specified period of time (IRS Taxpayer Education and Volunteer Assistance Program).

The person or group receiving remainder interests will ultimately own the property outright. With certain restrictions under the Internal Revenue Code a remainder interest can be considered a charitable contribution (U.S. Internal Revenue Code, Title 26, Section 170). Donation of a remainder interest will qualify a landowner for a tax deduction, discounted in proportion to the anticipated length of time that will pass before the grantee takes over the interest. Whether sold or donated, dedication of a remainder interest can lessen the burden of estate taxes.

4.4.2 Income Tax Deductions for Charitable Contributions

A federal income tax deduction is allowed for a gift of property or real property interests for conservation purposes. The amount of the tax deduction would be the fair market value of the property or the interest in the property conveyed to the charitable organization or public entity (the County). A permanent recorded restriction is required for tax deductions taken for the gift of a conservation easement.

4.4.3 Natural Heritage Preservation Tax Credit

The Natural Heritage Preservation Tax Credit Act allows landowners to donate property to state or local agencies or non-profit organizations for a partial state tax credit (55 percent of fair

market value). Both land and conservation easements can be donated. Donated land must be open space, parkland, woodland, wildlife corridors, agricultural land, or archaeological sites. The donated property or easement must be used as a park, open space, or to augment public access to an existing regional or local park or recreational facility.

Potential benefits to landowners are substantial under this program, as the net value of the Natural Heritage Tax Credit may exceed the value of a traditional charitable donation or the net after-tax proceeds of a standard sale. The tax credit may be carried over for a period of seven years. The \$100 million program is administered by the State Wildlife Conservation Board (WCB).

4.4.4 Williamson Act

The California Land Conservation Act of 1965--commonly referred to as the Williamson Act--enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use (California Government Code Section 51200). The landowner enters into a contract with the County or City to restrict land uses to those compatible with agriculture, wildlife habitat, scenic corridors, recreational use, or open space. In return, the County calculates the property tax assessment based on the restricted use of the land instead of its potential value assuming full commercial development.

To be eligible, the land must be designated by the County as an agricultural preserve, scenic highway corridor, or wildlife habitat area; or it must be actively used for the three years immediately preceding the beginning of the contract as a saltpond, managed wetland, or recreational or open space area. In addition to the requirements of the Williamson Act, the County of San Diego has adopted a policy that sets the minimum ownership size to 10 acres for parcels that may be eligible for agricultural activities or preserve designation (County of San Diego Board Policy No. I-38, Section 3). However, for recreational uses or open space the recommended minimum ownership size is 20 acres.

Each year the contract is automatically renewed for a new ten-year period, unless the landowner notifies the local government of a desire not to renew. In that case, the land use restrictions remain in effect until the remaining nine years of the contract have passed. There are also provisions for canceling the contract if cancellation is consistent with the purposes of the Williamson Act or otherwise found to be in the public interest. A cancellation fee and deferred taxes, which under some circumstances can be waived, must be paid upon cancellation.

To partially compensate for local property tax reductions for enrolled lands, the State pays each county and city participating in the Williamson Act an annual "subvention" payment based on the amount of acreage and the quality of the agricultural or open space land enrolled. The partial replacement of property tax revenues to local governments for agricultural and open-space lands enrolled under provisions of the Williamson Act is intended for land that is devoted to agricultural use or open-space uses of statewide significance.

Sections 16143 and 65560 of the act define land devoted to open-space uses of statewide significance as land which:

- \$ could be developed as prime agricultural land; or
- \$ is open-space land as defined in Section 65560 which constitutes a resource whose preservation is of more than local importance for ecological, economic, educational, or other purposes.

As the loss of assessed value for agricultural and open-space preserves may be substantial, and local governments rely on the partial subvention of these lost revenues by the State, it is in the financial interest of local governments to comply with state guidelines in granting agricultural and open-space reserves to private landowners. A local government would be ineligible to receive state payments if it fails to comply with the provisions of the act, including section 65560, Chapter 3, Title 7 as discussed above.

It is unlikely that this method of trail dedication would offer much of an incentive to land owners due to the many restrictions identified above.

4.4.4 Density Bonus

A density bonus allows a developer to build more units on a property than would otherwise be permitted. State statute allows a local agency to grant density bonuses for various types of development projects where certain public benefits are derived from the projects (California Government Code, Sections 65913, 65915, and 65917). However, under current state statutes, no such density bonus provisions exist for projects that provide trail facilities. As noted in Chapter 2, it has been documented through a number of sources that trails provide certain benefits to the general public. It may be argued that a nexus exists between the benefits to the region and/or community and the trail dedication provided by a development. Therefore, the density bonus may be permitted within the statute. County counsel should be consulted to assist in formulating an exception or modification for inclusion of a density bonus provision.

4.4.5 Mandatory Dedications

Currently, the County has the ability to require trail easement dedications in conjunction with a Tentative Map (TM) of Major Subdivisions. Acquisitions of trails from developers occur when a development proposal is submitted to the County for review and approval and the project site contains a designated trail as identified by the County General Plan. This is also in accordance with Board of Supervisor Policy I-116. This policy establishes the criteria for the Development and Operation of a Regional and Community Plan Non-Motorized Trails and Pathway System.

A County Trail System would benefit from being able to require dedication of trail easements with other discretionary actions or use permits that could include:

- \$ Subdivision Maps, Parcel Maps
- \$ Use Permits
- \$ Site Plan Review
- \$ Variance
- \$ Administrative Permit

However, for the County to require both the dedication and improvement of the trail as a condition of approval for any of the above actions, a nexus and a proportionality needs to exist between the proposed project and the requested trail dedication and improvement. The nexus will require documenting the need for trails (which is initiated in this report in Chapter 2), identifying the trail locations and affected properties (public and private) and determining the associated cost that would be required to implement the general trail alignment. With this information available it can then be determined what methods of discretionary action should be used for the extraction of trail dedication. Further discussion on the approach for nexus is in Chapter 3, Section 3.4, Nexus and Proportionality Issues (Mandatory Dedication).

4.4.6 Indemnification

In August of 2000, the County of San Diego enacted the “Trail Defense and Indemnification Ordinance,” which applies to an owner of a parcel of land, or the owner of land adjacent to a trail, which has been dedicated to the County for public use for recreational purposes. This includes such activities as hiking, riding, sightseeing, and equestrian purposes and other types of non-motorized recreational uses (San Diego County Ordinance No. 9233).

The County provides defense and indemnification from all claims, demands or liability for injuries to a person or property that occur on such trail when used for recreational purposes. This immunity also applies to liability for injuries caused by the condition of any trail used for the

identified purposes. This ordinance clarifies the County's position under California Government Code Section 831.4. It also identifies limitations to the County's responsibility to defend and indemnify.

This defense and indemnification ordinance should be continued as it relieves the property owner from potential liability.

4.5 CONCLUSIONS AND RECOMMENDATIONS

As indicated above, there are a number of possible funding sources that may be available for the various aspects of trail projects (see Appendix U for Summary of Funding Sources Table). Some of these sources require modifications and/or clarification of existing ordinances and/or policies. Many require submitting grant applications to federal and/or state agencies. In general, the County will be competing with other agencies for use of these funds and the fund amounts may be limited.

The funding sources that are primarily for transportation-related projects will generally not be applicable to the average trail project. However, these sources should not be ignored as many of them could provide ancillary funding for trail projects that may be in close proximity to roadways and/or may provide funding for trails that have a link to the local or regional transportation network. All funding sources should be considered.

Based on the information collected for this assessment, the following recommendations have been identified to obtain the funding necessary to provide trails to meet the needs of the county:

- \$ Establish a priority list for trail implementation based on needs and costs.
- \$ Continue to require mandatory dedication for regional trail alignments.
- \$ Evaluate existing County funding mechanisms and budgets for trails.
- \$ Establish a variety of funding mechanisms for trail acquisition, implementation, and maintenance.
- \$ Consider amending the current PLDO Credit to allow developers to receive credits for the dedication of trails and or easements.
- \$ Initiate discussions to develop an "Adopt a Trail" program.
- \$ Establish an active grant application effort as part of the County Trail Program.